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MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES ON FEBRUARY 8, 2010

Commission Chairman Orjiakor N. Isiogu called the meeting to order at 9:00 a.m.  
Executive Secretary Mary Jo Kunkle called the roll and declared there was a quorum.

**PRESENT**

Commission: Orjiakor N. Isiogu, Chairman  
Monica Martinez, Commissioner  
Greg R. White, Commissioner

Staff: Alissa Day  
Judy Palnau  
Mary Jo Kunkle  
Catherine Bowers

Public: Suzy Denison, MEGA  
Ruth Gaudard, AT&T  
Marilyn Oliver, DTE Energy  
Michael Ashton, Fraser Law Firm  
Jon W. Allan, CMS Energy  
Tim Hoffman, Consumers Energy  
Beverly Roberts, Consumers Energy  
Gary Fields, Field Law Group  
Lisa Gustafson, Consumers Energy

- I.** Commissioner Martinez moved to approve today's agenda, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The agenda was approved.

- II.** Commissioner Martinez moved to approve the minutes of the Regular Commission Meeting of January 25, 2010 and of the Special Commission Meeting of January 27, 2010, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The minutes were approved.

### III. ORDERS

#### A. COMMUNICATIONS

1. U-13328 AT&T MICHIGAN AND RVP FIBER COMPANY, LLC  
U-16170 AT&T MICHIGAN AND TENNESSEE TELEPHONE SERVICE, LLC  
d/b/a FREEDOM COMMUNICATIONS USA, LLC  
U-16173 AT&T MICHIGAN AND ZAYO BANDWIDTH, LLC  
(interconnection agreements and amendments)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which requests Commission approval of interconnection agreements and amendments. The order before you approves the requests, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

2. U-16063 COMMISSION’S OWN MOTION  
(rulemaking)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves two proposed rulemakings to comply with MCL 484. 2202(1)(c)(ii) and (iii). The order before you approves the rules governing unbundled network elements and local interconnection without change, approves with certain modifications the proposed rules governing the migration of customers from one provider to another, and directs that each rule set be forwarded in compliance with the Administrative Procedures Act, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

3. U-16085 MICHIGAN ACCESS, INC.  
(ETC application)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application for designation as an eligible telecommunications carrier for purposes of universal service fund support. The order before you grants the application, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

4. U-16118 TC3 TELECOM, INC.  
(ETC application)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application for designation as an eligible telecommunications carrier for purposes of universal service fund support. The order before you grants the application, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

5. U-16127 INTELEPEER, INC.  
(permanent license)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which is an application for a license to provide basic local exchange service. The order before you grants the license, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

6. U-16142 ZAYO ENTERPRISE NETWORKS, LLC  
(permanent license)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which is an application for a license to provide basic local exchange service. The order before you grants the license, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

7. U-16171 UPPER PENINSULA TELEPHONE COMPANY AND  
MICHIGAN CENTRAL BROADBAND COMPANY, LLC  
(total service long run incremental cost)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves a joint application filed by Upper Peninsula Telephone Company and Michigan Central Broadband Company, LLC, for approval of their individual total service long run incremental cost studies. The order before you establishes a schedule for consideration of the application, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**B. ELECTRIC**

1. U-12478 THE DETROIT EDISON COMPANY  
(finance securitization)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves the application of The Detroit Edison Company for approval of a financing order approving the securitization of certain regulatory assets and other qualified costs. The order before you grants this request, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

2. U-13129 COMMISSION’S OWN MOTION  
(low income energy efficiency fund)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves applications for energy efficiency grants from the Low-Income and Energy Efficiency Fund. The order before you approves grants for two of the applicants, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

3. U-15611 CONSUMERS ENERGY COMPANY  
(cost and revenues reconciliation)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application by Consumers Energy Company for a reconciliation of costs and revenues associated with decommissioning of the Big Rock Point Nuclear Power Plant. The order before you directs the company to calculate a negative surcharge and issue refunds to customers in accordance with directives in the order, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

4. U-15985 MICHIGAN CONSOLIDATED GAS COMPANY  
(motion for temporary order)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application filed by Michigan Consolidated Gas Company for authority to increase its rates for the generation and distribution of natural gas and for other relief. The order before you denies the motion for a temporary order filed by the Association of Businesses Advocating Tariff Equity, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

5. U-16012 CONSUMERS ENERGY COMPANY  
(implementation costs)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application by Consumers Energy Company for reconciliation of electric restructuring implementation costs, including approved carrying costs, previously approved for recovery. The order before you approves a settlement agreement resolving all issues in the case, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

6. U-16196 COMMISSION’S OWN MOTION  
(Act 286 comments)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which provides a notice of opportunity to comment on issues related to the advisability of separating electric distribution and generation within electric utilities, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

7. U-16197 COMMISSION’S OWN MOTION  
(Act 286 comments)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which provides a notice of opportunity to comment on whether the state would benefit from the creation of an electric generation purchasing pool, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

8. U-16198 COMMISSION'S OWN MOTION  
(Act 295 comments)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which provides a notice of opportunity to comment on efforts to promote load management and reduce peak demand, and recommendations for legislative action, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

**PRESS RELEASE ISSUED**

**C. GAS**

1. U-14434 PRESQUE ISLE ELECTRIC & GAS CO-OP  
(AGS relinquishment)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves the request of Presque Isle Electric & Gas Co-op to voluntarily relinquish its license as an alternative gas supplier in Michigan. The order before you approves the request and closes the docket in this case, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

2. U-15629 CONSUMERS ENERGY COMPANY  
(depreciation rates)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2010 which involves an application by Consumers Energy Company to revise depreciation accrual rates for accounting and ratemaking purposes for the company's gas utility

plant. The order before you denies petitions for rehearing filed by the Association of Businesses Advocating Tariff Equity and Attorney General Michael A. Cox and grants the petition for rehearing filed by Consumers Energy Company, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The order was adopted.

#### **IV. PUBLIC COMMENTS**

Mr. Robert Namowicz, Oakland County, addressed his concerns regarding Consumers Energy Company and The Detroit Edison Company, his cable and telephone bills. He contends that his electricity bills lacked clarity and included too many fees and surcharges. He hoped that future bills would be simplified and streamlined to make bills more understandable and energy more affordable.

Chairman Isiogu announced that a press release was issued today approving Consumers Energy Company's experimental Michigan Saves Program for certain governmental customers to finance the installation of LED street lighting.

Chairman Isiogu announced that the next regularly scheduled Commission Meeting will be held on March 2, 2010.

Commissioner Martinez moved that the Commission adjourn, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White  
Nays – None

The motion was approved.

The meeting adjourned at 9:16 a.m.

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Mary Jo Kunkle  
Executive Secretary